

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

04/13/10
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J&J SPORTS PRODUCTIONS, INC.,

: 08 Civ. 4238 (RJH)(AJP)

Petitioner,

: -against-

FRANK POOL ROOM d/b/a/ Frank's Pool Room,
& Restaurant & FRANCISCO HERNANDEZ,
Respondent.-----X
ORDER
AND JUDGMENT

On March 4, 2009, the Court granted the motion of plaintiff J&J Sports Productions, Inc. for a default judgments against defendants Frank Pool Room and Francisco Hernandez. [13] On January 29, 2010, Magistrate Judge Andrew J. Peck issued a Report and Recommendation ("Report") recommending that the Court award statutory damages of \$20,000 plus costs of \$470. [23] To date, the Court has neither received any objections to the Report nor any other communication, such as a letter requesting an extension of time in which to file objections, from defendants.

The district court adopts a Magistrate Judge's report and recommendation when no clear error appears on the face of the record. See Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). However, the court is required to make a de novo determination of those portions of a report to which objection is made, 28 U.S.C. § 636(b)(1)(C), by reviewing "the Report, the record, applicable legal authorities, along with Plaintiff's and Defendant's objections and replies." Badhan v. Lab. Corp. of Am., 234 F. Supp. 2d 313, 316 (S.D.N.Y. 2002). The court may then accept, reject, or modify in whole or in part

recommendations of the Magistrate Judge. See Nelson, 618 F. Supp. at 1189. If a party fails to object to a report within 14 days of being served with the report, that party waives their right to object and appellate review of the district court's decision adopting the report, absent unusual circumstances, is precluded. See United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997).

The Court finds that no clear error appears on the face of the record and hereby adopts the Report. The Clerk shall close this case.

SO ORDERED.

Dated: New York, New York
April 8, 2010



Richard J. Holwell
United States District Judge